

06/12/14

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ORDINANCE NO. 49-785

AN ORDINANCE CREATING CHAPTER 3.41 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ALARM SYSTEMS AND REPEALING THE ORIGINAL OF CHAPTER 3.40 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 3.41.010 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Purpose. The City Council has determined that the high number of false alarm responses being required of law enforcement, fire and emergency medical personnel in response to alarm system activations in the City requires adoption of the following regulations to reduce the number of such false alarms.”

SECTION 2. Section 3.41.020 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Definitions. As used in this Chapter, the following words shall have the following meanings:

'Alarm Administrator' means the person(s) designated by the Chief of Police to administer the provisions of this Chapter, and monitor, control and review alarm response procedures and alarm business activities.

'Alarm Business' means any individual, partnership, corporation or other entity which has as one of its principal business purposes the altering, installing, leasing, selling, maintaining, repairing or servicing an alarm system or fire alarm system or which

causes any of these activities to take place. Such term shall also include alarm monitoring companies who engage in the activity of monitoring alarm systems.

'Alarm Monitoring Company' means the person who shall be responsible for determining that an alarm system has been activated and notifying the communications center of the alarm activation and the need of an emergency response by law enforcement, fire or emergency medical personnel.

'Alarm site' means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

'Alarm System' means an assembly of equipment, devices or a single device arranged to signal the presence of a hazard requiring urgent attention and to which law enforcement, fire or emergency medical personnel are expected to respond. The following devices shall not constitute an alarm system:

1. Smoke alarms;
2. Other alarms designated to merely give internal on-premises notification of an alarm condition;
3. Alarm devices affixed to motor vehicles;
4. Hand-held personal safety devices not connected to a central monitoring system or station;
5. Security alarm systems which are not monitored by an alarm monitoring company.

'Alarm User' means any person who has an operational alarm system on premises under the person's control.

'ANSI/SIA Control Panel Standard CP-01' means the ANSI - American National Standard Institute approved security industry association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features

for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard or any subsequent standard established by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

'Automatic Dialing Device' means an alarm system which automatically sends over regular telephone lines, by direct dialing or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation the alarm system is designed to detect.

'Board' means the Board of Electrical Appeals.

'Certified alarm installer' means an individual who holds a certificate issued by the City of Wichita, evidencing such person to be qualified to install, service, maintain, repair and replace residential and commercial alarm systems.

'Chief of Police' means the Chief of Police of the City or a designated representative.

'City' means the City of Wichita, Kansas.

'City Attorney' means the City Attorney or Director of Law of the City or a designated representative.

'City Manager' means the City Manager of the City or a designated representative.

'City Treasurer' means the City Treasurer of the City or a designated representative.

'Communications center' means the Sedgwick County Department of Emergency Communications.

'Direct connect' means an alarm system which has the capability of transmission and reception of alarm system signals directly to the communications center.

'Director of Emergency Communications' means the Director of the Sedgwick County Department of Emergency Communications or a designated representative.

'Director of Metropolitan Area Building and Construction Department (MABCD)' means the Director of the Metropolitan Area Building and Construction Department (MABCD) of the City or a designated representative.

'Emergency medical personnel' means employees of the Sedgwick County Emergency Medical Service.

'False alarm' means: 1) the activation of an alarm system in the City resulting in a request for response by law enforcement, fire or emergency medical personnel when a situation requiring a response does not, in fact, exist at the time of activation of the alarm; or 2) an alarm system designed to be used to report a robbery or holdup, when used for any other purpose.

A false alarm may be the result of, but not limited to, mechanical or electronic failure, malfunction, improper installation, improper adjustment, accidental tripping, misoperation, misuse, defect or negligence of a person.

'Fire alarm' means an alarm to which fire personnel have been requested to be dispatched to respond.

'Fire alarm system' means an alarm system designed to signal the presence of a hazard requiring urgent attention and to which fire personnel are expected to respond.

'Fire Chief' means the Chief of the Wichita Fire Department or a designated representative.

'Fire personnel' means employees of the Wichita Fire Department.

'Governmental building alarm system' means any alarm system installed in any location owned or used by the United States government, the state and its political subdivisions, the City of Wichita or any agencies thereof. For the purposes of this Chapter, this shall include any location owned or used by public schools.

'Law enforcement personnel' means any person vested by law with a duty to maintain public order or to make arrests for violations of the laws of the state or ordinances of the City and includes regular and reserve personnel of the Wichita Police Department.

'MABCD' means the Metropolitan Area Building and Construction Department of the City.

'Medical alarm system' means an alarm system designed to signal the presence of a hazard requiring urgent attention and to which emergency medical personnel are expected to respond.

'Multiple alarm system' means any of the following:

- a. Separate structures each having their own alarm system which are located at the same street address and are owned by the same person or business; or
- b. A single structure which has more than one alarm system, or more than one alarm business monitoring alarms within the structure.

'Person' means any person, firm, partnership, association, corporation, company or organization of any kind.

'Security alarm' means an alarm to which law enforcement personnel have been requested to be dispatched to respond.

'Security alarm system' means an alarm system designed to signal the presence of a hazard requiring urgent attention and to which law enforcement personnel are expected to respond.

'Smoke alarm' means a single- or multiple-station alarm responsive to smoke and not connected to a system.

'UBTC' means the Wichita-Sedgwick County Unified Building and Trade Code."

SECTION 3. Section 3.41.025 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Direct connection and automatic dialing prohibited—Exceptions—Penalty.

All direct connections, direct-dials, or automatic-dialing devices of alarm systems to the communications center shall be prohibited except governmental building alarm systems. It is unlawful for any person to use a randomized automatic dialing device to dial directly into the communications center whether by dialing 911 or otherwise. Every person who is convicted of violating this Section shall be guilty of a misdemeanor."

SECTION 4. Section 3.41.030 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"License required.

- (a) It is unlawful for any person to engage in the operation of an alarm business within the City without having first obtained a license to operate such a business from the City Treasurer.
- (b) Any person who violates the provisions of this Section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or

imprisonment of a term not to exceed six (6) months or by both such fine and imprisonment.”

SECTION 5. Section 3.41.035 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Certifications—Persons engaged in installation or repair of alarm systems.

- (a) It is unlawful for any person to engage in the altering, installing, maintaining, repairing or servicing of an alarm system within the City limits, or causing the same to take place without having been certified for the particular classification of system involved.
- (b) Any person desiring to engage in or work in the business of installing, repairing or altering alarm systems shall make application to the MABCD for a certificate.
- (c) A security alarm certificate issued to an individual wishing to engage in the business of or perform the act of installing, repairing or replacing security alarm systems shall authorize such individual to engage in such activities.
- (d) No certificate shall be issued to any individual to install security systems who is not certified by the Kansas Electronic Security Alliance, Electronic Security Association, or other national testing agency with a test designed specifically for alarms.
- (e) A fire alarm certificate issued to an individual wishing to engage in the business of or perform the act of installing, repairing or replacing fire alarm systems shall authorize such individual to engage in such activities.

- (f) No certificate shall be issued to any individual to install, repair or replace fire alarm systems who is not certified by the National Institute for Certification in Engineering Technologies (NICET II, III or IV) or the International Municipal Signal Association (IMSA I or II).
- (g) The fee for certificates shall be established by the Director of MABCD to cover the administrative costs of issuing such certificates. All such certificates shall be renewed every two (2) years upon payment of a fee established by the Director of MABCD to cover the administrative costs of issuing such certificates. All certificates expire on the thirty-first day of December of each odd-numbered year and no reduction shall be made for part of the year being elapsed. Certificates which have not been renewed by March 1st after their expiration, may be subject to appearance before the Board prior to reissuance of a certificate.
- (h) The Board of Electrical Appeals is authorized to cancel, suspend and/or revoke the certificate of any alarm installer issued by the MABCD.”

SECTION 6. Section 3.41.038 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Apprentice and/or helper. An apprentice or helper shall be permitted to perform the act of installing, repairing or replacing any alarm system within the City when he or she is on the job site with and under the direct supervision of an alarm technician certified by Section 3.41.035 of this code. Both individuals must be employed by a licensed alarm contractor. If an apprentice or helper works without the required

supervision, both the alarm contractor and the apprentice/helper shall be guilty of violating the terms of this Chapter.”

SECTION 7. Section 3.41.040 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“License fee.

- (a) Each application for an alarm business license, whether a new application, renewal, as a result of a license revocation, or due to a change in business ownership or other status shall be accompanied by an annual fee of \$100.00.”

SECTION 8. Section 3.41.050 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“License application—Form and content.

- (a) Any person wanting to obtain a license to operate an alarm business in the City shall make application on a form provided therefore to the City Treasurer. Said application shall be verified, accompanied by the required application fee and contain at a minimum the following information:
 - (1) Date of application;
 - (2) Name, address and telephone number of the business and type of business organization (individual, partnership, corporation or limited liability company). If an individual, the name, date of birth, race, sex, address, telephone number and email address of the proposed licensee; if the business is a partnership, corporation or limited liability company, the same information required of an

individual applicant is required of all partners, officers, or members of the business.

- (3) The name, telephone number and email address of a primary contact person to whom any inquiries regarding the license application may be directed;
- (4) Any name under which the applicant will be doing business as (“dba”) if different from the name provided in subsection (2), however, a business shall be limited to only one “dba” name per license, and must obtain a separate license for any additional “dba” name.
- (5) Name, address, telephone number and email address of the person certified, as required by Section 3.41.035 of this code, who is responsible for repair and maintenance of the alarm systems;
- (6) A list of all felony convictions of any person required to be named on the application;
- (7) A statement that monitoring for the alarm systems leased or installed by the alarm business will be offered on a 24-hour, seven-day-a-week basis;
- (8) A statement that the applicant and all agents, representatives and employees of the applicant will, at all times, comply with all the laws of the United States and state, ordinances of the City and resolutions of Sedgwick County in the operation of the alarm business;

- (9) The applicant will provide a statement that no agent, representative or employee of the applicant whose duties include entry into personal residences or any other premises is a registered sex offender, and that applicant has, subject to audit by the Chief of Police, performed the necessary background check of any agent, representative or employee to insure that such statement is correct.
- (10) A copy of such person's certification as required by Section 3.41.035 if such person is also engaged in the business of or engages in the altering, installing, maintaining, repairing or servicing alarm systems. For purposes of this subsection, a license may be issued to any firm, co-partnership or corporation of which at least one active member or officer who devotes full-time to the firm, co-partnership or corporation has received such certification;
- (11) A statement certifying that the alarm business has provided to the Alarm Administrator or his or her designee a complete and current customer list in a format acceptable to the Alarm Administrator or a designated representative;
- (12) Proof of general liability insurance coverage. Such insurance policy shall be written with an insurance company licensed to do business in the state and shall have minimum limits of coverage of \$300,000.00 per occurrence; and

- (13) A Certificate of Good Standing from Kansas, or other state of incorporation or registration, if the applicant is a corporation, partnership or limited liability company.
- (b) The application must be signed by an individual applicant personally; a partnership application must be signed and acknowledged by a partner; a corporation or limited liability company application must be signed by an officer of the corporation or a member of the limited liability company legally authorized to sign corporation or company documents.
- (c) All applicants shall, in addition to the payment of the above fees, submit payment to the Alarm Administrator of all fees and/or penalties assessed under the terms of this Chapter prior to submitting the license application as a requirement of completing the application process.”

SECTION 9. Section 3.41.060 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Investigation of application—Issuance, term, posting and renewal of license, license nontransferable.

- (a) Upon receipt of an application for an alarm business license and payment of the required fees, the City Treasurer shall refer the application to the Chief of Police, Director of MABCD and the City Attorney for investigation and recommendation regarding issuance of the license. Approval shall be recommended so long as the application is complete and provides all required information, except that no license shall be issued for any of the following reasons:

- (1) Any individual applicant, or, if the applicant is a corporation, partnership or other business entity, any owner, manager, partner, director, officer or member of the business has ever been convicted of a felony;
- (2) If the applicant, within two years immediately preceding the date of making application, has violated any provision or requirement of this Chapter;
- (3) If the alarm business to be licensed owes any fees and/or penalties assessed in accordance with this Chapter.
- (4) If the alarm business to be licensed has failed to provide to the Alarm Administrator, at the time of license application, a complete and current customer list in a format acceptable to the Alarm Administrator; or.
- (5) If the alarm business to be licensed has failed to provide proof of current liability insurance as required by Section 3.41.050 by submitting such proof with the license application.
- (6) If the applicant has failed to provide a statement that no agent, representative or employee of the applicant whose duties include entry into personal residences or any other premises is a registered sex offender, or has failed to perform the necessary background check of any agent, representative or employee to insure that such statement is correct.

- (b) For the purposes of this Section, the filing of charges or a conviction in a court of law is not required to establish that a licensee or applicant has violated any of provisions or requirements of this Chapter. A copy of a journal entry showing the disposition of such a violation from any local or state court shall be considered *prima facie* evidence of a violation. A conviction shall include being adjudged guilty upon entering a plea of no contest, but shall not include being placed on diversion.
- (c) Upon favorable recommendation of the Chief of Police, Director of MABCD, and the City Attorney, the City Treasurer shall issue an alarm business license to an applicant.
- (d) A license issued pursuant to the terms of this Chapter shall be displayed and available for inspection on the business premises of the licensee.
- (e) A license issued under the terms of this Chapter shall be for a term of one year from the date of issuance, which term or fee shall not be adjusted or extended for late renewal applications. Renewal of such license shall be accomplished in the same manner as issuance of the initial license.
- (f) No license issued under this Chapter shall be transferable or assignable. Such license shall be issued for one particular business entity, which shall be stated in the application, and may not be transferred to any other business entity upon sale or change of ownership thereof.
- (g) No license will be issued under this Chapter for more than one name under which the licensee will be doing business (“dba”) if different from the name provided in Section 3.41.050(a)(2). A business shall be limited to

only one “dba” name per license and must obtain a separate license for any additional “dba” name.

- (h) If an applicant is denied an alarm business license under this Section, the applicant has the right to appeal by following the procedure as set forth in Section 3.41.080. If an appeal is not filed within ten (10) business days, the denial shall be final.”

SECTION 10. Section 3.41.070 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Revocation or suspension of license.

- (a) Any license issued under this Chapter may be suspended, for a period not to exceed thirty calendar days, or revoked by the Chief of Police, the Director of MABCD, or the City Treasurer if it is determined that the licensee, or if the licensee is an organization, any of its officers, directors, partners, associates or employees has:
 - (1) Made any false statement or given any false information in connection with an application for a license or a renewal or a reinstatement thereof;
 - (2) Violated any provision of this Chapter;
 - (3) Committed any act which would be grounds for denial of an application for a license or otherwise becomes ineligible for a license;
 - (4) Failed to pay the annual license fee or any other fees or penalties assessed under this Chapter.

- (b) If the Chief of Police, the Director of MABCD, or City Treasurer suspends or revokes an alarm business license under the provisions of this Section, the licensee shall be notified in writing, which notice shall be either personally served upon the licensee or sent by certified mail, return receipt requested. The written notice of the suspension or revocation shall include:
- (1) The reason for suspension or revocation;
 - (2) The effective time and date of the suspension or revocation;
 - (3) If a suspension, the length of time of such suspension;
 - (4) If applicable, a statement regarding any action which may be taken so the license may be reinstated;
 - (5) The date by which the licensee must surrender the license to the City Treasurer; and
 - (6) A statement of the right to reconsideration of, and appeal from, the revocation and the procedure to be followed as required in Section 3.41.080.
- (c) If an appeal is not filed within ten business days, the action of the Chief of Police, the Director of MABCD, or the City Treasurer shall be final.
- (d) If a license is suspended under this Section, the license may be reinstated if the reason for suspension is removed and the Alarm Administrator is notified in writing of such removal.
- (e) If a license is revoked under this Section, the former licensee shall not be issued a new license for a period of not less than two (2) years from the

date of revocation. Engaging in the operation of an alarm business within the City without a business license shall constitute a violation of Section 3.41.030 of this Chapter, and shall be punishable as set forth therein.”

SECTION 11. Section 3.41.080 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Appeal procedure.

- (a) Any applicant or licensee aggrieved by the denial, suspension, or revocation of an alarm license may file with the City Clerk a written Notice of Appeal to the City Council within ten (10) business days of the decision by the Chief of Police, Director of MABCD or City Treasurer . The Notice of Appeal shall specify:
 - (1) The name and address of the appellant;
 - (2) The date of application;
 - (3) The date of the denial, suspension, or revocation of the license or application;
 - (4) The factual basis for the appeal.
- (b) Upon receipt of a complete and timely filed Notice of Appeal, the City Clerk shall schedule a hearing before the City Council, no later than thirty (30) calendar days from the date of the filing of the Notice of Appeal with the City Clerk The City Clerk shall also notify the Chief of Police, Director of MABCD, Law Department and/or City Treasurer who shall prepare the record of denial, suspension or revocation and forward all documentation for review to the City Clerk within ten (10) business days.

- (c) Any appeal shall stay the only the suspension or revocation of the license until the matter is heard by the City Council.
- (d) The City Council may approve the denial, suspension, or revocation, overrule the denial or suspension, or modify the decision of the Chief of Police, Director of MABCD, Law Department, or City Treasurer. The decision of the City Council shall be effective immediately. All appeals to the governing body shall be on the record.
- (e) The Council's decision may be appealed to the Eighteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101 and any amendments thereto. Any such appeal to the District Court shall not stay the denial, revocation, or suspension of the license by the City Council.”

SECTION 12. Section 3.41.090 of the Code of the City of Wichita, Kansas, is hereby treated to read as follows:

“Installation Requirements.

- (a) All alarm systems or any of its component parts shall be installed in accordance with Section 4 of the UBTC.
- (b) Fire alarm systems shall be installed in accordance with the provisions of Title 15 of the City of Wichita Code and Sections 2 and 4 of the UBTC.
- (c) Upon enactment of this ordinance, alarm installation companies shall use only ANSI/SIA CP-01 listed alarm control panels on new installations, panel replacements or upgrades of security alarm systems.

- (d) It is unlawful for any person to install or replace a fire alarm system unless a permit has been issued for such work. Permits and inspection shall be obtained as required by Section 4 of the UBTC.

Fire Alarm System Installation Permit Fee Schedule

0—10 Devices	\$50.00
11—25 Devices	\$90.00
26—100 Devices	\$140.00
<u>101</u> —200 Devices	\$200.00
<u>201</u> —400 Devices	\$350.00
401—600 Devices	\$525.00
Over 600 Devices	\$525.00 plus \$50.00 for each additional 100 devices or fraction thereof

- (1) Any person who installs any fire alarm devices for which a permit and inspection are required without first obtaining a permit shall pay a special permit fee of double the amount of the permit issuance as listed above.
- (2) Where extra inspections are made because of faulty construction or failure to make necessary repairs, a fee established by the Director of MABCD to cover the administrative costs may be charged for each inspection.
- (3) Reserved.
- (4) Every permit issued by MABCD under the provisions of this Code shall expire by limitation and become null and void if the work authorized by the permit is not commenced within 180 calendar days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work

is commenced for a period of 180 calendar days, or 180 calendar days have expired since an inspection, as required by Section 4 of the UBTC was requested and such inspection was approved by the building authority.”

SECTION 13. Section 3.41.100 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Alarm business required operational practices. Each alarm business licensed under this Chapter will be required to conduct its operations in compliance with the following standards and practices:

- (a) It shall be the responsibility of the alarm business, at time of installation of an alarm system, to:
 - (1) Offer service either directly or through an agent for that alarm system on a 24-hour, seven-day-a-week basis for the purposes of repairing or servicing the system to correct any malfunctions which may occur. This information shall be provided in writing at the time of the lease or installation. The alarm business shall have a person certified, pursuant to Section 3.41.035, who is responsible for repair and maintenance of the alarm system.
 - (2) Provide the Alarm User written instructions on how to operate the system and any user maintenance which may be required. These instructions shall be clear, concise and in language the Alarm User can read and understand.

- (3) Provide the Alarm User a written copy of the City of Wichita's false alarm penalties and procedures, provided by the Alarm Administrator.
- (b) An alarm monitoring company, at the time of alarm activation, shall attempt to verify each alarm signal, utilizing ECV (Enhanced Call Verification) before contacting the communications center for a response; except hold-up, panic, medical or fire alarm signals, which must be dispatched immediately upon receipt of such signals per City Code 15.01.010.
- (c) An alarm monitoring company, when contacting the communication center regarding an alarm, shall provide the Alarm User's name, address, permit number, and a description of the zone coverage for the alarm. For the purpose of clarity and uniformity in the reporting of alarm conditions to the communications center by alarm monitoring companies, the Director Of Emergency Communications shall establish such rules and regulations as are reasonably necessary.
- (d) At the time of licensing or renewal of a license issued pursuant to this Chapter, each alarm business shall submit to the Alarm Administrator, or a designated representative, a current and complete customer list in a format acceptable to the Alarm Administrator. Such information shall remain confidential, shall not be released to the public and shall be used to assist in creating tracking and response data by the Alarm Administrator.”

SECTION 14. Section 3.41.110 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Alarm System Registration Fee.

- (a) Each alarm system for which the Alarm User elects to have law enforcement or fire personnel response must be registered with the Alarm Administrator for a fee of \$25.00. Renewals shall be subject to the same fee as initial registrations. No registration or renewal fees shall be charged for governmental building alarm systems.”

SECTION 15. Section 3.41.115 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Alarm system registration and annual renewal by Alarm User.

- (a) It shall be the responsibility of the Alarm User to register their alarm system(s) with the Alarm Administrator within five (5) business days of installation. Registration shall be completed using a form provided by the Alarm Administrator and shall be subject to the registration fee set forth in Section 3.41.110.
- (b) Medical alarm systems shall not be required to be registered with the Alarm Administrator. However, if an alarm activation from a medical alarm system is received by the communication center requesting law enforcement personnel response for any situation other than a medical emergency, the system shall then be subject to registration with the Alarm Administrator and all fees and/or penalties shall also apply as set forth in this Chapter.

- (c) All registrations shall include the following information:
- (1) The address of the Alarm Site where the alarm system is located;
 - (2) The name, complete address, and telephone number of the Alarm User or designated representative who will be responsible for the proper maintenance and operation of the alarm system;
 - (3) The classification of the Alarm Site as residential, commercial, medical only, or government alarm system;
 - (4) Mailing address, if different from the address of the Alarm Site;
 - (5) The name, complete address and telephone number of the designated representative(s) who respond to the Alarm Site in the event the Alarm User is unable to respond to allow law enforcement, fire or emergency medical personnel access to the location;
 - (6) The name, complete address and telephone number of the alarm business responsible for the installation of the alarm system;
 - (7) The name, complete address and telephone number of the alarm business responsible for monitoring the alarm system, if different from the installation business.
- (d) Alarm registrations shall expire one (1) year after the date of issuance, which term or fee shall not be adjusted or extended for late renewals. The Alarm Administrator shall notify the Alarm User of the necessity to renew the alarm registration 30 calendar days prior to the expiration date.

- (e) No fee shall be assessed for registration renewals if the Alarm User has not had a false alarm, as defined by this Chapter, within the twelve (12) months preceding the registration renewal date.
- (f) On the renewal form provided by the Alarm Administrator, the Alarm User shall verify that all contact and alarm business information on file with the Alarm Administrator is correct. All incorrect information must be corrected with the Alarm Administrator within ten business days of the renewal notification.
- (g) No registrations issued under this Chapter shall be transferable. Any change of address or ownership of a business or residence shall require the alarm system to be re-registered and shall be subject to the fee set forth in Section 3.41.110.
- (h) It is unlawful for any Alarm User or the owner of any premises with an alarm system to operate or use an alarm system or allow operation or use of an alarm without the alarm being registered. Pursuant to Section 3.41.120(b), an administrative penalty of \$150.00 shall be assessed against the Alarm User for failure to register or renew the registration of the system after being notified by the Alarm Administrator of the need to register or renew the alarm system.
- (i) All information provided on registration and renewal forms shall remain confidential, shall not be released to the public and shall be used to assist in creating tracking and response data by the Alarm Administrator. The

Alarm Administrator shall have the right to audit the information provided to verify its accuracy.”

SECTION 16. Section 3.41.118 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Duties of Alarm Users. It shall be the responsibility of the Alarm User to:

- (a) Register and annually renew their alarm system with the Alarm Administrator as set forth in Section 3.41.115;
- (b) Maintain the premises and alarm system in a manner that will reduce or eliminate false alarms;
- (c) Respond or cause a representative to respond to the alarm system's location within 30 minutes upon notification of an alarm activation, to provide the right of entry to the premises for law enforcement, fire, or emergency medical personnel, or to provide alternative security for the premises;
- (d) Ensure that an alarm is not manually activated by the Alarm User or any other person for any reason other than an occurrence of an event that the alarm system was intended to report;
- (e) Notify the Alarm Administrator if there is a change of address or ownership of a business or residence, change of alarm monitoring company for the location or if there is updated information, within ten (10) business days of the change occurring.”

SECTION 17. Section 3.41.120 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“False alarm fee and disputes.

- (a) Except as otherwise provided in this Chapter, an Alarm User to which law enforcement personnel or fire personnel are requested to respond to a false alarm, shall be charged a false alarm fee. The Alarm User shall be assessed the following fees for each false alarm:

Number Of Alarms	False Alarm Fee—Security Alarms	False Alarm Fee—Fire Alarm
1	\$0.00	\$0.00
2	\$40.00	\$100.00
3	\$40.00	\$100.00
4	\$60.00	\$150.00
5	\$60.00	\$150.00
6	\$120.00	\$300.00
7—9	\$200.00	\$500.00
10 th or more	\$350.00	\$750.00

Graduated false alarm fees will be based only on the same type of previous false alarm. No response fee shall be charged for the first false alarm, regardless of type, each registration year.

False alarms resulting from the following shall not be counted against the Alarm User and no response fee shall be charged:

- (1) When it is reasonable to assume that the alarm was due to violent conditions of nature including an electrical storm which have been verified by the National Weather Service to have been in the area where the alarm system is located at the time of the activation;

- (2) Cable, line or power failure which has been specifically verified by the appropriate utility company serving the alarm location;
 - (3) For those alarms where the communications center is notified within four (4) minutes of receipt of notification of the alarm that emergency medical, law enforcement or fire personnel are not required;
 - (4) For those alarms resulting from valid situations requiring an urgent response by law enforcement, fire or emergency medical personnel as verified by a report filed by such personnel; or
 - (5) For those alarms received from a medical alarm system;
 - (6) For alarms from governmental building alarm systems.
- (b) If an alarm is received by the communications center from an alarm system which has not been registered or renewed with the City, as required in Section 3.41.115, an administrative penalty of \$150.00 shall be assessed against the Alarm User for having failed to register or renew the system. Such penalty shall be in addition to the false alarm charges assessed to the alarm user.
- (c) Should a disagreement arise over whether any particular false alarm fee or administrative penalty should be assessed, the facts surrounding the circumstances of the alarm activation shall, within 30 calendar days of the date of the first invoice for the alarm, be presented in writing by the Alarm User, along with a \$10.00 administrative fee for each false alarm being disputed, to the Alarm Administrator. The Alarm Administrator shall

promptly forward the written fee dispute to the Chief of Police or for fire alarms, the Chief of the Wichita Fire Department. The Chief of Police or the Fire Chief shall, after consideration of all the information presented, determine whether a false alarm fee should be assessed. In the event of determination that no false alarm fee should be assessed, the \$10.00 administrative fee shall be refunded to the Alarm User or alarm business, provided the Alarm User does not have any other outstanding fees owed. Failure to submit an appeal within 30 calendar days of notification shall constitute a waiver of the right to contest the assessment of the fees or penalties.

- (d) If disagreement still exists after consideration by the Chief of Police or the Fire Chief, the facts surrounding the alarm activation shall be presented to the City Manager who shall, after consideration of all the information presented, determine whether a false alarm fee should be assessed. All such disagreements must be presented in writing by the Alarm User or alarm business to the City Manager within 30 days after the date of notification of the Chief of Police's or Fire Chief's determination that a false alarm fee is due as a result of the particular alarm being questioned; otherwise the determination that the fee is due shall be deemed correct.
- (e) In making the determinations required by subsections (d) and (e) of this Section, the Chief of Police, Fire Chief or the City Manager shall give consideration to the following, if presented, in addition to all other information presented:

- (1) The purpose of this Chapter as expressed in Section 3.41.010 of this Code;
 - (2) The Alarm User's history of valid and false alarms;
 - (3) Violent conditions of nature, including electrical storms, existing at the time of the activation;
 - (4) Other circumstances not reasonably subject to control by the Alarm User or alarm business;
 - (5) Information from utility companies concerning cable, line or power failures or problems;
 - (6) Information from law enforcement, fire or emergency medical personnel who responded to the alarm activation; and
 - (7) The presence or absence of any direct or indirect evidence that a situation requiring an urgent response existed at the time of the alarm activation.
- (f) The false alarm fee or administrative penalty under this Section shall be due and payable to the Alarm Administrator or a designated representative within 30 days after receipt of notification that such fee is due. Further, if the fee is not paid within 60 days of such notification, a late fee in the amount of \$10.00 per alarm call shall be added to the amount due. An additional late fee of \$10.00 will be assessed on each false alarm fee which remains unpaid 90 days following notification. After 90 days, following notice to the Alarm User, the account may be turned over for

collection. The City Attorney is authorized to use any legal means to recover the administrative penalties and fees assessed by this Chapter.”

SECTION 18. Section 3.41.123 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Suspension of response.

- (a) Response to alarm systems by law enforcement or fire personnel may be suspended if:
 - (1) An alarmed location has more than six (6) false alarms during the 12-month registration period; and/or
 - (2) An alarmed location fails to pay fees or penalties as set forth in this Chapter.
- (b) Written notice that the communication center will not respond to further alarms will be mailed to the Alarm User and any alarm monitoring company via certified mail, and shall specify the date on which response will be suspended, which date shall be no less than 30 calendar days from the date of the notice.
- (c) Response may be reinstated if the alarm user:
 - (1) Pays, or otherwise resolves to the satisfaction of the Alarm Administrator, all fees and/or penalties; and
 - (2) Submits a certification from an alarm company, properly licensed by City of Wichita, stating that the alarm system has been inspected and repaired (if necessary), is in proper working order,

and that the Alarm User has been re-trained on the proper use of the alarm system.

- (d) Reinstatement of response will be effective within five (5) business days of the Alarm Administrator's receipt of payment and certification by the alarm company."

SECTION 19. Section 3.41.125 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Duties and authority of the Alarm Administrator. The Alarm Administrator shall:

- (a) Establish a procedure for the notification to an Alarm User of a false alarm. The notice shall include the following information:
 - 1. the date and time of law enforcement response to the false alarm; and
 - 2. A statement urging the Alarm User to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting fines.
- (b) The Alarm Administrator may require a conference with an Alarm User and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm. For these purposes, the alarm company must have a designated contact on record with the Alarm Administrator.
- (c) The Alarm Administrator may create and implement an on-line Alarm User Awareness Class. The Alarm Administrator may request the

assistance of alarm associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach Alarm Users how to avoid generating false alarms. Providing that the Alarm User does not have outstanding fees owed to the City of Wichita, A passing test score on the on-line test may be used to satisfy fees and/or penalties incurred for one false alarm per registration year. The class must be completed by the Alarm User within sixty (60) days of receiving notification or assessment of a false alarm fee and/or penalty.

- (d) The Alarm Administrator shall maintain statistics and records which may be utilized to determine the effectiveness of this Code in reducing false alarms. Such records shall include the number of registered alarm systems, the increase or decrease of registered alarm systems from the previous year, the number of false alarms each year, the decrease or increase in the number of false alarms and the total of all false alarm fees assessed and the amount of false alarm fees collected each year.”

SECTION 20. Section 3.41.128 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Confidentiality of information. All information submitted in compliance with this Chapter shall be held in strictest confidence; shall be deemed a public record exempt from disclosure; and shall be kept so the contents thereof shall not be known except to persons responsible for administration and enforcement of this Chapter. Nothing herein, however, shall prevent the use of such information for law enforcement purposes.”

SECTION 21. Section 3.41.130 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Ad hoc committee.

- (a) The City Council may appoint an ad hoc committee to advise the council on matters relating to alarm regulation.
- (b) The membership of the ad hoc committee shall be as determined by the City Council.
- (c) Upon completion of the work for which the committee was requested and submission of its report, the committee shall be dissolved.”

SECTION 22. Section 3.41.135 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Penalty. Except as otherwise provided for by this Chapter, every person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00. Each day any violation of this Chapter continues shall constitute a separate offense.”

SECTION 23. Section 3.41.140 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Validity. Should any section, paragraph, sentence, clause or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder shall not be affected thereby and shall remain in full force and effect, and the same shall not affect the validity of the remaining portions.”

SECTION 24. Section 3.41.145 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Government immunity. Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the Alarm User acknowledges that the Wichita Police Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.”

SECTION 25. Section 3.41.150 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Enforcement. The Wichita Police Department, Wichita Fire Department and Metropolitan Area Building and Construction Department and the authorized representatives of such departments shall be responsible for the enforcement of all provisions of this Chapter.”

SECTION 26. The original of chapter 3.40 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 27. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon October 1, 2014, and upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 22nd day of July, 2014.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law